

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES WIDTFELDT,

Plaintiff,

vs.

CITY OF ATKINSON, KEN COUNTS, CITY
COUNCIL, STUART DOCKTER, CITY
COUNCIL, RON KRYSL, CITY COUNCIL,
GARY A. LECH, CITY COUNCIL, JERRY
OSBORNE, CITY COUNCIL, LEO SEGER,
CITY COUNCIL, PAUL CORKLE, MAYOR,
THOMAS HERZOG, FORREST PEETZ,
ALAN BRODBECK, NEBRASKA BUREAU
OF VITAL STATISTICS, WAYNE BRAUN,
TIM BRAUN, TIMOTHY LARBY, JANET
KROTTER CHVALA, ANDREW
HOFFMAN, JEFFREY GAYLEN,
STEVEN A. BREWSTER, ASHLEY D.
BOETTCHER, LEO SEGER d/b/a SEGER
FUNERAL HOME, MIKE FREDERICK,
d/b/a STATE FARM INSURANCE,
ATKINSON, PAUL CORKLE, d/b/a CROP
INSURANCE SALES, NEBRASKA
DEPARTMENT OF INSURANCE,
NEBRASKA DEPARTMENT GOVERNING
FUNERAL HOMES, SHANNON CORKLE
OLBERDING, SHANNON CORKLE D/B/A
CORKLEDINGS, and JON SINDELAR,

Defendants.

8:18CV00150

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 2679(d)(2), Defendant, Jon Sindelar, removes to this Court the State Court civil action indicated in the attachments to this Notice.

Defendant represents that:

1. Defendant, Jon Sindelar, is a Defendant in the above-captioned civil action, which is pending in the District Court of Holt County, Nebraska, Case No. CI 17-118. No trial has yet

been had in that action. Copies of all process pleadings and orders served upon Defendant Jon Sindelar in that action are attached to this notice as Exhibit A.

2. At all times relevant herein, Jon Sindelar, was employed as a Sales, Services and Distribution Clerk in the O'Neill Post Office, O'Neill, Nebraska, with the United States Postal Service, an agency of the United States of America.

3. Plaintiff, James Widtfeldt, in the state court action, seeks damages and equitable relief from Defendant, Jon Sindelar, and the United States Postal Service for the alleged theft or diversion of Widtfeldt's certified mail from Judge Sullivan of the U.S. District Court in the District of Columbia in January 2018, the alleged theft or diversion of other certified mailings prior to January 2018, and the alleged use of those mailings to impersonate and discredit Plaintiff.

4. Plaintiff's claim for relief arises under an unspecified state or federal law for theft or other conversion of mail. However, Congress has provided that the exclusive remedy for such an alleged "wrongful" act of an employee of the United States Government, acting within the scope of his employment, shall be an action against the United States under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b); 2671-2680 (1988). See the Federal Employees' Liability Reform and Tort Compensation Act of 1988, § 5, Publ. No. 100-694, 102 Stat. 4563 (1988) (codified at 28 U.S.C. § 2679(b)(1)). Attached hereto as Exhibit B is the certification of the United States Attorney that Defendant, Jon Sindelar, was acting within the scope of his employment at time of the incident out of which the claim arose. Title 28 U.S.C. § 2679(d)(2) provides that this action shall be removed to United States District Court upon such certification.

Defendant, Jon Sindelar, prays that the above-captioned action, pending in the District Court of Holt County, Nebraska, be removed to this Court.

JON SINDELAR, Defendant

JOSEPH P. KELLY
United States Attorney
District of Nebraska

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REQUEST FOR TRIAL

The United States of America requests that trial of this case be held in Omaha, Nebraska, and that the case be calendared accordingly.

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all registered participants. I also hereby certify that a copy of the same was served by regular mail, postage prepaid, to the following non-CM/ECF participants:

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s/ Lynnett M. Wagner
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